

**U.S. District Court
Eastern District of Missouri (Cape Girardeau)
CIVIL DOCKET FOR CASE #: 1:19-cv-00072-SNLJ**

Smith et al v. IOC-Cape Girardeau LLC
Assigned to: District Judge Stephen N. Limbaugh, Jr
Cause: 29:201 Fair Labor Standards Act

Date Filed: 05/06/2019
Date Terminated: 12/30/2019
Jury Demand: Plaintiff
Nature of Suit: 710 Labor: Fair Standards
Jurisdiction: Federal Question

Plaintiff

Maria L. Smith

represented by **Ryan L. McClelland**
MCCLELLAND LAW FIRM, P.C.
200 Westwoods Drive
The Flagship Building
Liberty, MO 64068-1170
816-781-0002
Fax: 816-781-1984
Email: ryan@mcclellandlawfirm.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained
Bar Status: Active

Plaintiff

Casandra J. Henderson

represented by **Ryan L. McClelland**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained
Bar Status: Active

V.

Defendant

IOC-Cape Girardeau LLC
doing business as
Isle Casino Cape Girardeau

represented by **Amanda E. Colvin**
BRYAN CAVE LLP – ST. LOUIS
One Metropolitan Square
211 N. Broadway
Suite 3600
St. Louis, MO 63102
314-259-2199
Fax: 314-552-8199
Email: amanda.colvin@bryancave.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained
Bar Status: Active

Charles B. Jellinek

BRYAN CAVE LLP – ST. LOUIS
 One Metropolitan Square
 211 N. Broadway
 Suite 3600
 St. Louis, MO 63102
 314–259–2000
 Fax: 314–259–2020
 Email: cbjellinek@bclplaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained
Bar Status: Active

Charles A. Weiss
 BRYAN CAVE LLP – ST. LOUIS
 One Metropolitan Square
 211 N. Broadway
 Suite 3600
 St. Louis, MO 63102
 314–259–2215
 Fax: 314–552–8215
 Email: caweiss@bclplaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained
Bar Status: Active

Travis A. Niswonger
 BRYAN CAVE LLP – ST. LOUIS
 One Metropolitan Square
 211 N. Broadway
 Suite 3600
 St. Louis, MO 63102
 314–259–2430
 Fax: 314–552–8430
 Email: travis.niswonger@bclplaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained
Bar Status: Active

Email All Attorneys
 (will not send to terminated parties)

Email All Attorneys and Additional Recipients
 (will not send to terminated parties)

Date Filed	#	Docket Text
05/06/2019	<u>1</u>	COMPLAINT (<i>Class and Collective Action Complaint</i>) against defendant IOC–Cape Girardeau LLC with receipt number 0865–7190694, in the amount of \$400 Jury Demand,, filed by Maria L. Smith, Casandra J. Henderson. (Attachments: # <u>1</u> Exhibit A – Consent to Join – Maria L. Smith, # <u>2</u> Exhibit B – Consent to Join – Casandra J. Henderson, # <u>3</u> Civil Cover Sheet, # <u>4</u> Original Filing Form, # <u>5</u> Attachment Notice of Intent to Use Process Server, # <u>6</u> Summons)(McClelland, Ryan) (Entered: 05/06/2019)

05/06/2019	<u>2</u>	NOTICE OF PROCESS SERVER by Plaintiffs Casandra J. Henderson, Maria L. Smith Process Server: HPS Process Service & Investigations. (CSG) (Entered: 05/06/2019)
05/06/2019	<u>1</u>	Case Opening Notification: 1 Summons(es) issued. The summons was emailed to Attorney for Plaintiff. All non-governmental organizational parties (corporations, limited liability companies, limited liability partnerships) must file Disclosure of Organizational Interests Certificate (moed-0001.pdf). Judge Assigned: U.S. District Judge Stephen N. Limbaugh Jr. (CSG) (Entered: 05/06/2019)
05/09/2019	<u>3</u>	SUMMONS Returned Executed filed by Maria L. Smith, Casandra J. Henderson. IOC-Cape Girardeau LLC served on 5/7/2019, answer due 5/28/2019. (McClelland, Ryan) (Entered: 05/09/2019)
05/10/2019	<u>4</u>	NOTICE Filing Consents to Join: by Plaintiffs Casandra J. Henderson, Maria L. Smith (Attachments: # <u>1</u> Exhibit A – Consents to Join)(McClelland, Ryan) (Entered: 05/10/2019)
05/17/2019	<u>5</u>	NOTICE Filing Consents to Join: by Plaintiffs Casandra J. Henderson, Maria L. Smith (Attachments: # <u>1</u> Exhibit A – Consents to Join)(McClelland, Ryan) (Entered: 05/17/2019)
05/20/2019	<u>1</u>	NOTICE: IF YOU HAVE ALREADY UPGRADED YOUR PACER ACCOUNT YOU CAN DISREGARD THIS NOTICE. IF YOU DO NOT UPGRADE YOU WILL NOT BE ABLE TO FILE IN THE SYSTEM AFTER MAY 31, 2019. PLEASE UPGRADE IMMEDIATELY. If you are using a shared account to file cases, you will need to create an individual account; instructions can be found at: https://www.moed.uscourts.gov/sites/moed/files/Register-for-New-PACER-account.pdf . If you already have an individual account, it will need to be upgraded; instructions can be found https://www.moed.uscourts.gov/sites/moed/files/Upgrade-Current-PACER-Account.pdf . If you need further assistance contact the MOED CM/ECF Help Desk at 314-244-7650 or moedml_cmecf_help@moed.uscourts.gov . (CSAW) (Entered: 05/20/2019)
06/03/2019	<u>6</u>	Consent MOTION for Extension of Time to File Answer <i>or Otherwise Plead to Plaintiffs' Complaint</i> by Defendant IOC-Cape Girardeau LLC. (Colvin, Amanda) (Entered: 06/03/2019)
06/04/2019	<u>7</u>	Docket Text ORDER: Re: <u>6</u> Consent MOTION for Extension of Time to File Answer <i>or Otherwise Plead to Plaintiffs' Complaint</i> by Defendant IOC-Cape Girardeau LLC. (Colvin, Amanda) filed by IOC-Cape Girardeau LLC ; ORDERED GRANTED. Signed by District Judge Stephen N. Limbaugh, Jr on 6/4/19. (MRS) (Entered: 06/04/2019)
06/07/2019	<u>8</u>	NOTICE Filing Consents to Join: by Plaintiffs Casandra J. Henderson, Maria L. Smith (Attachments: # <u>1</u> Exhibit A – Consents to Join)(McClelland, Ryan) (Entered: 06/07/2019)
06/07/2019	<u>9</u>	ANSWER to <u>1</u> Complaint, by IOC-Cape Girardeau LLC.(Colvin, Amanda) (Entered: 06/07/2019)
06/14/2019	<u>10</u>	ENTRY of Appearance by Charles B. Jellinek for Defendant IOC-Cape Girardeau LLC. (Jellinek, Charles) (Entered: 06/14/2019)
06/17/2019	<u>11</u>	ENTRY of Appearance by Travis A. Niswonger for Defendant IOC-Cape Girardeau LLC. (Niswonger, Travis) (Entered: 06/17/2019)
06/25/2019	<u>12</u>	RULE 16 ORDER Joint Scheduling Plan due by 7/15/2019. Rule 16 Conference set for 7/22/2019 10:30 AM in Telephone before District Judge Stephen N. Limbaugh Jr... Signed by District Judge Stephen N. Limbaugh, Jr on 6/25/19. (MRS) (Entered: 06/25/2019)
07/02/2019	<u>13</u>	SCHEDULING ORDER: Rule 16 Conference reset for 7/24/2019 11:00 AM by Telephone before District Judge Stephen N. Limbaugh Jr... Signed by District Judge Stephen N. Limbaugh, Jr on 7/2/19. (MRS) (Entered: 07/02/2019)
07/15/2019	<u>14</u>	

		JOINT SCHEDULING PLAN by Plaintiffs Casandra J. Henderson, Maria L. Smith. . (McClelland, Ryan) (Entered: 07/15/2019)
07/15/2019	<u>15</u>	Joint MOTION for Protective Order by Plaintiffs Casandra J. Henderson, Maria L. Smith. (Attachments: # <u>1</u> Proposed Agreed Protective Order)(McClelland, Ryan) (Entered: 07/15/2019)
07/16/2019	<u>16</u>	CASE MANAGEMENT ORDER This case is assigned to Track: 3 Motion to Join Parties due by 9/9/2019. Discovery Completion due by 1/27/2020. ADR Future Reference 9/15/2020. [SEE ORDER FOR COMPLETE DETAILS.] Signed by District Judge Stephen N. Limbaugh, Jr on 7/16/2019. (NEP) (Entered: 07/16/2019)
07/16/2019	<u>17</u>	PROTECTIVE ORDER...[See Order for Complete Details.] Signed by District Judge Stephen N. Limbaugh, Jr on 7/16/2019. (NEP) (Entered: 07/16/2019)
10/01/2019	<u>18</u>	ENTRY of Appearance by Charles A. Weiss for Defendant IOC–Cape Girardeau LLC. (Weiss, Charles) (Entered: 10/01/2019)
10/01/2019	<u>19</u>	MOTION for Judgment on the Pleadings by Defendant IOC–Cape Girardeau LLC. (Weiss, Charles) (Entered: 10/01/2019)
10/01/2019	<u>20</u>	MEMORANDUM in Support of Motion re <u>19</u> MOTION for Judgment on the Pleadings filed by Defendant IOC–Cape Girardeau LLC. (Weiss, Charles) (Entered: 10/01/2019)
10/07/2019	<u>21</u>	MOTION for Extension of Time to File Response/Reply as to <u>19</u> MOTION for Judgment on the Pleadings by Plaintiffs Casandra J. Henderson, Maria L. Smith. (McClelland, Ryan) (Entered: 10/07/2019)
10/08/2019	<u>22</u>	Docket Text ORDER: Re: <u>21</u> MOTION for Extension of Time to File Response/Reply as to <u>19</u> MOTION for Judgment on the Pleadings by Plaintiffs Casandra J. Henderson, Maria L. Smith. (McClelland, Ryan) filed by Casandra J. Henderson, Maria L. Smith ; ORDERED GRANTED. Signed by District Judge Stephen N. Limbaugh, Jr on 10/8/19. (MRS) (Entered: 10/08/2019)
10/15/2019	<u>23</u>	STIPULATION of Dismissal (of Count V) by Plaintiffs Casandra J. Henderson, Maria L. Smith. (McClelland, Ryan) (Entered: 10/15/2019)
10/17/2019	<u>24</u>	ORDER granting Stipulation of Dismissal as to Count V. Signed by District Judge Stephen N. Limbaugh, Jr on 10/17/19. (MRS) (Entered: 10/17/2019)
10/17/2019	<u>25</u>	Docket Text ORDER: Re: <u>19</u> MOTION for Judgment on the Pleadings by Defendant IOC–Cape Girardeau LLC. (Weiss, Charles) filed by IOC–Cape Girardeau LLC ; ORDERED DENIED AS MOOT. Signed by District Judge Stephen N. Limbaugh, Jr on 10/17/19. (MRS) (Entered: 10/17/2019)
10/30/2019	<u>26</u>	NOTICE Filing Consents to Join: by Plaintiffs Casandra J. Henderson, Maria L. Smith (Attachments: # <u>1</u> Exhibit A – Consents to Join)(McClelland, Ryan) (Entered: 10/30/2019)
11/11/2019	<u>27</u>	Designation of Neutral by parties and ADR Conference Report by Plaintiffs Casandra J. Henderson, Maria L. Smith Neutral: Neuner Jr., Francis X. Date of Conference: 11/22/2019 time: 9:00 a.m. Location: Spencer Fane LLP, 1 N. Brentwood Boulevard, Suite 1000, Clayton, Missouri 63105(McClelland, Ryan) (Entered: 11/11/2019)
11/11/2019	<u>28</u>	Consent MOTION to Amend/Correct <u>16</u> Case Management Order, (<i>Plaintiffs' Unopposed Motion to Amend Case Management Order by Extending ADR Referral Deadline and Request to Participate Via Telephone Conference</i>) by Plaintiffs Casandra J. Henderson, Maria L. Smith. (McClelland, Ryan) (Entered: 11/11/2019)
11/12/2019	<u>29</u>	NOTICE of Appointment of Neutral. Neutral name: Neuner Jr., Francis X. Neutral selected by parties(MRS) (Entered: 11/12/2019)

11/12/2019	<u>30</u>	Docket Text ORDER: Re: <u>28</u> Consent MOTION to Amend/Correct <u>16</u> Case Management Order, (<i>Plaintiffs' Unopposed Motion to Amend Case Management Order by Extending ADR Referral Deadline and Request to Participate Via Telephone Conference</i>) by Plaintiffs Casandra J. Henderson, Maria L. Smith. (McClelland, Ryan) filed by Casandra J. Henderson, Maria L. Smith ; ORDERED GRANTED (ADR Completion Deadline due by 11/22/2019., ADR Compliance Report Deadline due by 12/6/2019.)Court further allows plaintiffs to participate in mediation by phone.. Signed by District Judge Stephen N. Limbaugh, Jr on 11/12/19. (MRS) (Entered: 11/12/2019)
12/02/2019	<u>31</u>	ADR COMPLIANCE REPORT Neutral: Neuner Jr., Francis X.. Date of Conference: 11/22/2019. The parties participated in good faith. The parties achieved a settlement.(Neuner, Francis) (Entered: 12/02/2019)
12/03/2019	<u>32</u>	SCHEDULING ORDER: The court has been notified that this case has settled. Dismissal Paper(s) due by 1/2/2020.. Signed by District Judge Stephen N. Limbaugh, Jr on 12/3/19. (MRS) (Entered: 12/03/2019)
12/27/2019	<u>33</u>	Joint MOTION to Transfer Case to United States District Court for the Western District of Missouri, Central Division by Plaintiffs Casandra J. Henderson, Maria L. Smith. (McClelland, Ryan) (Entered: 12/27/2019)
12/30/2019	<u>34</u>	ORDER granting <u>33</u> Motion to Transfer Case. The clerk of the court is instructed to transfer this case to the UnitedStates District Court for the Western District of Missouri as a related action to Carolyn MNicholson v. IOC–Boonville, Inc., Case No. 2:19–cv–04084–NKL. Signed by District Judge Stephen N. Limbaugh, Jr on 12/30/19. (MRS) (Entered: 12/30/2019)